

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18 CR 975 ERW
)	
DUSTIN BOONE, et al.,)	
)	
Defendants.)	

**LUTHER HALL'S MOTION FOR LEAVE TO OBTAIN DISCOVERY MATERIAL
PROVIDED PURSUANT TO PROTECTIVE ORDERS**

COMES NOW Luther Hall, by and through counsel, and for this motion states as follows:

1. Luther Hall (hereinafter "Hall") was the victim of the crimes alleged against Defendants Dustin Boone, Randy Hays, Bailey Colletta, Christopher Myers, and Steven Korte at the above-referenced case number.

2. Luther Hall is also the plaintiff in a pending civil lawsuit filed against Defendants Dustin Boone, Randy Hays, Bailey Colletta, Christopher Myers, and Steven Korte at Case No. 4:19-CV-02579-JCH that seeks damages for the same acts that formed the basis of the criminal charges against them.

3. The United States provided discovery to the Defendants pursuant to protective orders that prohibited them from using the material for any purpose other than their defense of the criminal charges against them, which prevents them from sharing this discovery with the lawyers defending them in Hall's civil lawsuit, preventing Hall from obtaining this discovery through the Defendants civil defense lawyers, even though this discovery is in the Defendants' possession or control.

4. The investigation that the United States conducted into Hall's arrest and the injuries he sustained is highly relevant to his civil lawsuit.

5. The criminal charges against the Defendants have been resolved or are about to be resolved through judgment at trial or the entry of guilty pleas.

6. Hall requests all materials produced to the Defendants by the United States in the above referenced case, to include but not necessarily be limited to reports, interviews, witness statements, photographs, audio and/or video recordings, or other evidence relating and/or pertaining to his arrest and assault that were not entered as evidence during the two criminal trials.

7. A protective order limiting this discovery to use in Hall's civil lawsuit will be entered in the civil case to protect any documents/evidence produced by the United States that was not made part of the public record during trial.

WHEREFORE, Luther Hall requests that all evidence/materials produced to the Defendants by the United States in the above referenced case that was not admitted into evidence at trial, to include but not necessarily be limited to reports, interviews, witness statements, photographs, audio and/or video recordings, or other evidence relating and/or pertaining to Hall's arrest and assault be produced to him for use in his civil lawsuit against the same Defendants and for such other and further relief as deemed appropriate.

Respectfully submitted,

PLEBAN & PETRUSKA LAW, LLC

By: /s/ Lynette M. Petruska
Lynette M. Petruska, Mo. Bar No. 41212
lpetruska@plebanlaw.com
C. John Pleban, Mo. Bar No. 24190
cpleban@plebanlaw.com
2010 South Big Bend Blvd.
St. Louis, MO 63117
(314) 645-6666 - Telephone
(314) 645-7376 - Facsimile

Attorneys for Luther Hall

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and accurate copy of the foregoing was served upon all counsel of record via the Federal Electronic Filing System on this 27th day of October, 2021.

/s/ Lynette M. Petruska